

CITY COMMISSION MINUTES

April 1, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, April 1, 2008 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, City Engineer Christina Cook, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Taylor moved, seconded by Commissioner Heldstab to approve the Consent Agenda. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **March 18, 2008**, City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinances** dated February 28, 2008 through March 13, 2008, in the amount of \$781,182.87.
- c. The consideration and approval of **R-2456** for the purchase of 1621 N. Monroe Street by Carmen Rivera from the City of Junction City to build a Self-Help Housing home, in the amount of \$16,500.00.
- d. The consideration and approval of **R-2457** for the purchase of 1515 N. Monroe Street by Bianca Lett from the City of Junction City to build a Self-Help Housing home, in the amount of \$18,200.00.
- e. The consideration and approval of **Pay Request #7** by BG Consultants, for professional services completed through February 29, 2008, for Rucker Road – US 77 to Whitney, in the amount of \$20,155.35.
- f. The consideration and approval of **Pay Request #5** by BG Consultants, for professional services completed through February 29, 2008, for KDOT Ditch Drainage with Patch project, in the amount of \$16,885.93. (KDOT will reimburse \$12,664.45.)
- g. The consideration and approval of **Application of Grant** by the Junction City Arts Council to the Kansas Art Commission for equipment to implement 3-month series of clay-building and pottery wheel workshops, in the amount of \$7,715.00. Grant is a one-to-one matching grant and Junction City Arts Council will cover the match from its budget.
- h. The consideration and approval of **Application of Grant** by the Junction City Arts Council to the Kansas Arts Commission to cover 40% of costs (which is \$2,804.00) for several events by performers listed on tour roster. Grant match requirement will be made from the operating Arts Council budget.

- i. The consideration and approval of **Payroll #6 and #7** for March 2008, in the amounts of \$214,170.37 (#6) and \$214,630.56 (#7).
- j. The consideration and approval of **Pay Request #3** (final) by J. Warren Construction for services completed through March 12, 2008, for US-77 and Ash Street Traffic Signal, in the amount of \$20,001.54.
- k. The consideration and approval of **Pay Request #5** by Walters-Morgan Construction for services completed through March 21, 2008, on the K-57 Drainage Ditch Improvements Project, in the amount of \$126,636.26. (KDOT will reimburse \$94,977.19.)
- l. The consideration and approval of **Pay Request #2** by J&K Contracting, LC for construction services on Thompson Drive/Ehler's Hilltop Pavement Patching Project, in the amount of \$73,748.19.
- m. The consideration and approval of **Pay Request** by S&W Services for removal of tree debris, in the amount of \$21,698.13.
- n. The consideration and approval of **Pay Request** by Custom Tree Care for tree debris removal at Rolling Meadows Golf Course, in the amount of \$15,441.59.
- o. The consideration and approval for **Application of Grant** by the Junction City Arts Council to apply for an Arts Infrastructure Grant for funding to attend the Americans for the Arts National Arts Marketing Conference in November of 2008. Kansas Arts Commission may potentially cover two-thirds of the total cost. Request of the Kansas Arts Commission is in the amount of \$1,617.00.
- p. The consideration and approval for **Application of Grant** by Junction City Fire Department to apply for FEMA grant to purchase a rescue/pumper to replace Engine 30. Grant is a 90/10 matching funds grant (City share at 10% would be \$52,500.00.)(Fire Equipment Reserve)
- q. The consideration and approval for **Application of Grant** by Junction City Fire Department to apply for FEMA grant to update computer based training system, rope rescue class in conjunction with Fort Riley and purchase of water/ice rescue equipment and training. Grant is a 90/10 matching funds grant (City share at 10% would be \$8,830.00.)(Fire Equipment Reserve)
- r. The consideration and approval for **Permission to Let for Bids** for a 2009 ambulance on an E-450 chassis. Current build time is approximately 7 months; new unit probably would arrive January 2009, approximate cost \$140,000.00. (Lease purchase)
- s. The consideration and approval for **Permission to Let for Bids** for demolition of the following properties set for condemnation on March 19, 2008:
 - 1. 514 West 11th Street – (R-2414)
 - 2. 524 West 11th Street – (R-2415)
 - 3. 536 West 10th Street – (R-2416)
 - 4. 130 East 1st Street – (R-2418)

- t. The consideration and approval to **remove the property of 420 W. 12th Street (R-2413)** from the condemnation list set for March 19, 2008, condemnation, due to the owner completing repairs as required by the Code Enforcement Department.
- u. The consideration and approval of **Rental Agreement** with Union Pacific Railroad for construction and maintenance of the private railroad crossing at the Wastewater Treatment Plant, in the amount of \$1,727.52. (Agreement will be for the term of April 3, 2008, through April 2, 2009.)
- v. The consideration and approval of **Utility Easement** by Kansas Gas Service for additional easement along Rucker Road within the existing gas easement.

APPOINTMENTS

- a. The consideration of reappointment of Mike Guinn and the appointment of Leon Osbourn to the EDC (Economic Development Commission) Board for 2008 term. Commissioner Taylor and Commissioner Wunder expressed concerns about needed new people on the board and that some board members' term limits may have been exceeded. Commissioner Taylor feels that the board should not have a City employee serve on the board. Commissioner Taylor moved, seconded by Commissioner Wunder to send this item back to the EDC Board with new recommendations to fill these positions (Rod Pratt and Carolyn Gaston). Ayes: Taylor, Wunder. Nays: Heldstab, Rhodes, Talley. Motion failed two to three. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the reappointment of Mike Guinn and the appointment of Leon Osbourn to the Economic Development Commission Board for 2008 term. Ayes: Heldstab, Rhodes, Talley. Nays: Taylor, Wunder. Motion carried three to two.

SPECIAL PRESENTATIONS

- a. A special presentation to the City by the Junction City Tigers. **(REMOVED FROM AGENDA)**
- b. A special presentation of Proclamation by the Mayor to VFW Auxiliary 8773. Mayor Rhodes signed the Proclamation for Buddy Poppy Day for the VFW Auxiliary 8773.

NEW BUSINESS

- a. The consideration and approval of **Supplemental Agreement** with HWS for construction management and observation for change order #1 and #2 for Junction City Pavement Patching Project, in the amount of \$35,421.00. Commissioner Talley expressed his concern as to how long this would continue. City Engineer, Christina Cook, stated that in May the issue will be reviewed for any additional failures and should be completed at that time. Commissioner Wunder expressed his concerns about several homes with driveways where compaction is not occurring and rain is forecasted which will wash away the dirt and failures will happen. Commissioner Wunder asked City Attorney, Katie Logan, to check into the legality of pulling contractor permits until good is made of the situation. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the Supplemental Agreement with HWS for construction management and observation for change order #1 and #2 for Junction City Pavement Patching Project in the amount of \$35,421.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- b. The consideration and approval of **Agreement No. 40-08 with KDOT** for resurfacing project of two locations; from Ash Street to 6th on Washington Street and Washington Street to Franklin on 6th Street. Agreement with City and State is based off an estimate cost of \$207,000.00. (State's participation will be 50% of construction costs, up to a maximum of \$200,000.00.) City Engineer, Christina Cook, informed the Commission that this will be a 2010 project. Commissioner Talley moved, seconded by Commissioner Wunder to approve Agreement No. 40-08 with KDOT for resurfacing project of two locations; from Ash Street to 6th on Washington Street and Washington Street to Franklin on 6th Street, with an estimated cost of \$207,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of **Change of By-Laws** of the Junction City Arts Council, in respect to written evaluation of Executive Director from March of each year to three months prior to anniversary date. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the change of By-Laws of the Junction City Arts Council, in respect to written evaluation of Executive Director from March of each year to three months prior to anniversary date. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration and approval of **Amendment #4** for Veolia Water proposing a number of changes in sanitation service to improve delivery to customers and deal with increase in sanitation customers served. City Manager, Rod Barnes, informed the Commission that Veolia will supply carts to customers at no charge to the City. Customers will receive a 96 gallon cart and can request additional carts for \$7.25 each per month. Special pick up items will continue as they are currently. Veolia will also take items outside of the cart. Appliances will also be picked up. Sanitation rates will increase from \$12.50 per month to \$14.50 per month. The increase is to cover the \$1.00 billing fee and franchise fee. The sanitation changes will take effect on August 1, 2008. Mr. Barnes informed the Commission that the Traffic Division will move to Veolia. One employee will move with the Traffic Division. The bucket truck will remain City property. Mr. Barnes also informed the Commission that Amendment #4 will align the water/wastewater contract with the Public Works contract so that the contracts will all end in 2017. Commissioner Taylor expressed his concern with the size of the carts and asked if it would be possible for citizens to request a smaller size cart. Some citizens do not need such a large cart. Mr. Barnes stated that the staff would research the possibility of offering two sizes of carts. The fee of \$14.50 per month would remain the same regardless of the size of carts the customer selected. The current ordinance concerning putting out trash ahead of time will be reviewed. Sanitation crews will continue to pick up curbside and alleys. The carts will be tracked by a serial number. The charge to replace a cart will be \$50.00. The Commission directed City Attorney, Katie Logan, to research the consequences if Veolia would sell out to another company. Commissioner Talley moved, seconded by Commissioner Heldstab to approve Amendment #4 for Veolia Water which proposes a number of changes in sanitation service to improve delivery to customers and deal with an increase in sanitation customers served. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: Wunder. Motion carried four to one.
- e. The consideration and approval of **Engineering Agreement** with HWS Consulting for services on Buffalo Soldier Sidewalk Improvement project in the amount of \$17,184.00. City Engineer, Christina Cook, informed the Commission that approximately 17 homes have been remodeled to date. The sidewalk project would begin mid-May and must be completed by July 15, 2008. Commissioner Talley moved, seconded by Commissioner

Taylor to approve the Engineering Agreement with HWS Consulting for services on Buffalo Soldier Sidewalk Improvement project in the amount of \$17,184.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- f. The consideration and approval of **Bidding/Engineering Service Agreement** with HWS Consulting for Freeman Field Junction City Taxilane Rehabilitation for removal and replacement of existing asphalt parking lot with new five inch concrete pavement (approximately 5,100 square yards). (FAA will provide 95% funding.) City Engineer, Christina Cook, informed the Commission this action is for the bidding and construction engineering services for this project. HWS is the City's five-year consultant on the airport. This projected will be funded through Capital Improvements. The life expectancy for asphalt is approximately ten years and 40 years for concrete. Commissioner Talley moved, seconded by Commissioner Taylor to approve the Bidding/Engineering Service Agreement with HWS Consulting for Freeman Field Junction City Taxilane Rehabilitation for removal and replacement of existing asphalt parking lot with new five inch concrete pavement (approximately 5,100 square yards). The FAA will provide 95% funding. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- g. The consideration and approval of **Ordinance G-1036** approving the text amendment to add GIS Information requirements to the Junction City – Geary County, Kansas Subdivision Regulations. (MPC voted unanimously to approve.) (First Reading). Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Ordinance G-1036 approving the text amendment to add GIS Information requirements to the Junction City – Geary County, Kansas Subdivision Regulations (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration and approval of **S-3002** to consider a rezoning request for property at 626 West 4th Street, Lots 12, 13 and 14, Block 1, Fairview Addition, from Duplex Residential District (RD) to Multiple-Family Residential District (RM) (The MPC unanimously voted to approve the rezoning.) (First Reading). Commissioner Wunder moved, seconded by Commissioner Taylor to approve S-3002 to consider a rezoning request for property at 626 West 4th Street, Lots 12, 13, and 14, Block 1, Fairview Addition, from Duplex Residential District (RD) to Multiple-Family Residential District (RM) (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- i. The consideration and approval for **Extension of Time** to the new owner of 316 N. Washington an additional 120 days to make necessary repairs to property. (Per Resolution 2412, condemnation was set for March 19, 2008.) Acting Codes Director, Mark Karmann, informed the Commission that Bernard Rosey is in the process of purchasing this property. Commissioner Talley moved, seconded by Commissioner Wunder to give a 30-day extension to allow Mr. Rosey to acquire the property and then report to the Commission with his rehabilitation plan. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- j. The consideration and approval of **Tree Debris and Disposal Contract** with S&W Services for removal of damaged tree debris on the perimeter of Freeman Airport. Steve Hoambrecker with Veolia Water informed the Commission that three bids were submitted and S&W Services was the low bid which includes hauling away the debris. This project is not FEMA eligible. S&W Services plans to begin the week of April 20th. Commissioner Taylor moved, seconded by Commissioner Talley to approve the Tree Debris and Disposal Contract with S&W Services for removal of damaged tree debris on the perimeter of

Freeman Airport. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- k. The consideration and approval of **Award of Bid** to USA Shade and Fabric Structures, Inc., for sun shades at the City Municipal Swimming Pool, in the amount of \$13,509.73. Recreation Director, Jason Haslouer, informed the Commission that one bid was submitted. This project will be funded through Capital Improvements and was budgeted for 2008. The installation will provide for 112 feet of pool area coverage and will be installed for the 2008 pool season. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the Award of Bid to USA Shade and Fabric Structures, Inc., for sun shades at the City Municipal Swimming Pool, in the amount of \$13,509.73. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- l. The consideration and approval of **Award of Bid** to RecPro Company for software to be used at Spin City, 12th Street Community Center and the Municipal Pool. Software will be able to efficiently run a "point of sale", track patrons and run various reports. Total costs are \$25,950.00 for software program, \$15,910.00 for hardware and \$8,755.00 for training and maintenance. Costs can be paid in two budget periods and City will receive 10% discount by company. **(REMOVED FROM AGENDA)**

COMMISSIONER COMMENTS

Commissioner Taylor congratulated the Register of Deeds for bringing their conference to the convention center.

Commissioner Heldstab asked Jim Germann, Information Systems Director, about the streets up by North Park not registering on his GPS system. Mr. Germann stated that the City will add it to the system when they receive the finalized plat. Commissioner Heldstab extended his sympathies to Captain (Retired) Ron Rich's family in his passing.

Commissioner Wunder asked if a meeting could be scheduled with Fort Riley representatives to discuss the increases in the night life in town and to possibly add their assistance with MP's in the entertainment areas of town.

Commissioner Talley also extended his sympathies to the Ron Rich family and to Officer David Edgar and his family upon his father's passing. City Manager, Rod Barnes, informed Commissioner Wunder that this topic can be added to the quarterly meeting that is scheduled with the Garrison Commander on April 23rd. Commissioner Wunder is concerned with the direction the entertainment is taking and with patrons hanging out in the parking lot. Commissioner Wunder asked Chief Story to research the loitering ordinance. Commissioner Wunder wants everyone to be safe and to have fun.

Mayor Rhodes stated that he has heard that Manhattan has been researching earmarks for their area. Mayor Rhodes asked if City Attorney, Katie Logan, could research an ethics policy for board members. Ms. Logan informed the Commission that she has several examples she can bring to the Commission to review.

STAFF COMMENTS

City Manager, Rod Barnes, expressed his sympathies to the families of Ron Rich, David Edgar, Michael Brown and Rick Faulk in their loss of family members. Mr. Barnes informed

the Commission that the annual Rat Race will be held on April 5th at 6:30 p.m. at the Elks Lodge. Proceeds will benefit the Sundown Salute.

Police Chief, Bob Story, informed the Commission that Ron Rich's funeral will be Saturday, April 5th at 10 a.m. at the Baptist Church on West 8th Street.

EXECUTIVE SESSION

Commissioner Wunder moved, seconded by Commissioner Talley to adjourn into executive session at 8:19 p.m. to reconvene at 8:49 p.m. to discuss matters related to Employer – Employee relations and negotiations. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the City Manager, Assistant City Manager, City Attorney, Chief Story, Lori Lazear, Captain Chuck Leithoff, and the City Clerk.

Commissioner Heldstab moved, seconded by Commissioner Talley to reconvene into regular session at 8:49 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Heldstab moved, seconded by Commissioner Talley to adjourn into executive session at 8:50 p.m. to reconvene at 9:00 p.m. to discuss matters related to Attorney-Client privileges. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the City Manager, Assistant City Manager, City Attorney, and the City Engineer.

Commissioner Talley moved, seconded by Commissioner Taylor to reconvene into regular session at 9:02 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Wunder to adjourn at 9:04 p.m. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 15th DAY OF APRIL, 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR APRIL 1st, 2008.


Tricia Gowen, City Clerk


Mike Rhodes, Mayor